

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: APPLICATION OF BERNARDO
JOSE ROSENTAL GRINBERG FOR AN
ORDER TO TAKE DISCOVERY
PURSUANT TO 28 U.S.C. § 1782

20 Misc. 129 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Bernardo Jose Rosental Grinberg (“Applicant”) has applied for an *ex parte* order pursuant to 28 U.S.C. § 1782 to conduct discovery for use in foreign proceedings (the “Application”). This Court, having carefully considered the papers submitted by Applicant, finds as follows:

A. Applicant has met the requirements under 28 U.S.C. § 1782 for granting the requested judicial assistance and relief.

B. For purposes of the instant Application, the following corporate entities reside or are found in the Southern District of New York: Israel Discount Bank of New York; JP Morgan Chase Bank, N.A.; and Bank Leumi USA (together, the “Witnesses”).

C. The discovery sought through this Application is for use in proceedings that are before a foreign tribunal.

D. The Applicant is an interested person within the meaning of the statute, in its capacity as a party to the foreign proceedings before the Supreme Court of the Commonwealth of the Bahamas (the “Foreign Proceedings”).

E. The discretionary factors, as described by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 247 (2004), weigh in favor of granting the requested assistance.

F. More particularly: (1) the Witnesses are not parties in the Foreign Proceedings and are not expected to become parties thereto; (2) there is no indication that the foreign court would not be receptive to U.S. federal-court judicial assistance as requested in the Application; (3) the Application does not conceal an attempt to circumvent foreign proof-gathering restrictions; and (4) the Application seeks discovery that is not unduly intrusive or burdensome as the Application requests evidence that is both easily accessible by the Witnesses and highly relevant to the Foreign Proceedings.

IT IS HEREBY ORDERED that:

1. The Application for an order pursuant to 28 U.S.C. § 1782 to conduct discovery for use in foreign proceedings is GRANTED;
2. Applicant, through his counsel, is authorized to issue, sign, and serve upon the Witnesses subpoenas in substantially the same form as attached to the Declaration of David B. Rosenberg as Exhibits A-C; and
3. The Witnesses must comply with such subpoenas in accordance with the Federal Rules of Civil Procedure and the Rules of this Court.

SO ORDERED.

Dated: March 5, 2020
New York, New York



KATHERINE POLK FAILLA
United States District Judge